

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHULA VISTA MUNICIPAL CODE SECTION 19.58.022
(ACCESSORY DWELLING UNITS) AND 19.58.023 (JUNIOR
ACCESSORY DWELLING UNITS) TO REMOVE THE
OWNER OCCUPANCY REQUIREMENT

WHEREAS, the State of California, in order to reduce barriers and create opportunities for residential property owners to build accessory dwelling units as affordable housing stock, enacted Senate Bill 1069, Senate Bill 2406, and Assembly Bill 2299, effective January 2017. In January 2018, additional bills were enacted (Senate Bill 229 and Assembly Bill 494) that further eliminated barriers: and

WHEREAS, the restriction imposed in the Chula Vista Municipal Code by the City requiring a property owner to live on the property that contains an accessory dwelling unit was seen by the public as a barrier to providing the additional unit; and

WHEREAS, The City Council reviewed the proposed activity for compliance with the California Environmental Quality Act and hereby finds and determines that the adoption of this Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 - New Construction or Conversion of Small Structures and Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; therefore, no further environmental review is required; and

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I. Substantive Action

Section 19.58.022(C)(12) of the Chula Vista Municipal Code is amended as follows:

12. *Occupancy Requirement.* The property owner(s) shall not be required to reside on the lot on which the accessory dwelling unit is located or constructed.

Section 19.58.023(B)(2) of the Chula Vista Municipal Code is amended as follows:

2. Owner-occupancy is not required in the single-family residence in which the junior accessory dwelling unit will be permitted.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent

jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Kelly G. Broughton, FASLA
Development Services Director

Glen R. Googins
City Attorney